



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

June 14, 1994


PERSONNEL MANAGEMENT LETTER NO. 94 -13 (920)

SUBJECT: 1994 Recertification of Career Members of the Senior Executive Service

Attached is the revised Departmental policy providing the SES Recertification Plan. Please note changes in paragraph 11.4 - Standard for Recertification.

The policies contained in this Plan are to be followed for the 1994 recertification of eligible career SES members. Information contained in this Personnel Management Letter will be incorporated into 370 DM 920 when that chapter is revised.

Procedural guidance for the 1994 SES recertification program will be forthcoming under separate cover.


Woodrow W. Hopper, Jr.
Director of Personnel

Attachment

INQUIRIES: Terry Steele, Division of Staffing, Classification, and Executive Resources Management, Room 5023, Mail Stop 5203 MIB, Telephone (202) 208-4231

Subchapter 11. SES Recertification Plan

11.1 General.

A. Authority. Under Section 506 of the Ethics Reform Act of 1989 (Public Law 101-194, November 30, 1989), Senior Executive Service (SES) career appointees are subject to recertification by their agencies. [Title 5 U.S.C. 3393a] [5 CFR 213, 317, 359, 842]

B. Objective. SES recertification ensures that the performance of career appointees demonstrates the excellence needed to meet the goals of the Senior Executive Service.

C. Relationship to Annual Performance Appraisal Process. The SES recertification process and the Departmental annual performance appraisal process are complementary but separate. While the annual appraisal looks at how well the career appointee has met the specific standards for his or her position for the year, the recertification process looks at the career appointee's performance over a period of three years, providing a broader view of the impact of an executive's activities

11.2 Coverage.

A. SES career employees (hereinafter referred to as covered member/members) who have been continuously employed in the SES for 156 weeks preceding the end of the recertification period are subject to recertification. This period includes any service as an SES noncareer or limited appointee. It also includes service in any agency.

B. This recertification plan does not apply to SES noncareer or limited appointees. Nor does it apply to former SES career appointees who took Presidential appointments at Executive Level V or higher with Senate confirmation and elected to retain SES benefits.

C. Members who accept Presidential appointments and return to the SES must begin a new 156 week period, if the Presidential appointment was for 6 months or longer.

D. One or more breaks in SES service of a total of 6 months or less do not interrupt the 156 weeks of continuous employment. A break is defined as a time period during which the SES member was not being officially counted against the Department's SES position allocation.

E. Covered SES members who are on extended assignment or who are absent from their positions at the time of recertification (e.g., individuals on Presidential Executive Exchange Program or Intergovernmental Personnel Act assignments, extended sick leave, or leave without pay) are subject to

recertification as long as they are officially occupying an SES position at the end of the recertification period as a covered member and meet the 156 week length of service requirement.

F. If an individual is recertified in another agency and then transfers to the Department during the recertification year, the individual is not subject to recertification in this Department.

G. If an individual transfers from another agency during the recertification year and no recertification decision was made in that agency, a recertification decision must be made in this Department.

11.3 Recertification Period. The initial recertification period shall end on June 30, 1991, coincident with the end of the annual performance appraisal period. Subsequent recertification shall take place every third calendar year thereafter. June 30 shall serve as the date for calculating the 156-week employment period.

11.4 Standard for Recertification.

A. The member must perform at the level of excellence expected of a senior executive. Excellence is a term from the statute. It is not a synonym for an "Excellent" rating, nor is it the same level of achievement as for Presidential rank awards. Excellence means that the member has demonstrated over the recertification period that he or she has achieved excellence in:

(1) Planning for, substantially advancing, and attaining Presidential, Departmental, or organizational goals and objectives that required a sustained superior effort;

(2) Taking specific initiatives that advanced a major policy and/or significantly improved delivery of services;

(3) Taking the necessary actions to ensure the achievement of a quality product in a timely manner;

(4) Making significant technical, scientific, or professional contributions; and

(5) Demonstrating the interest, attitude, and good management practices that ensure future growth and success in new assignments

B. Also, if applicable to the responsibilities of the covered member, excellence is demonstrated by:

(1) Achieving substantial savings in the execution of programs under his or her direction, including applying new technologies to the workplace;

(2) Maintaining the high quality and effectiveness of programs under his or her direction with reduced resources, including eliminating inefficient processes and creating new ways of accomplishing work with increased efficiency and effectiveness;

(3) Providing strong leadership to enhance the development, utilization and achievements of subordinate personnel, including achievement of equal employment opportunity and diversity goals; and/or

(4) Building effective working relationships with diverse individuals and groups and communicating effectively across programs, including coping effectively with rapid change.

C. The standard for recertification is a composite view and overall judgment of the executive. There is no specific combination of the above criteria that leads to a recertification decision. An executive does not have to meet all of the criteria to be recertified. Recertification means meeting a level of excellence which leads the supervising official, the Performance Review Board, and the Executive Resources Board to affirm the executive's retention in the SES.

11.5 Recertification Recommendation and Determination Procedures.

A. Recommendation by the Supervising Official. The supervising official, who is the covered member's supervisor of record, shall submit to the Performance Review Board (PRB), a recommendation, on Form DI-1970, Recertification Determination (see Appendix I), whether the member's performance justifies recertification as a senior executive. The supervising official may recommend a pay level adjustment at this time. (This does not preclude a pay level adjustment recommendation in conjunction with the annual performance appraisal. However, the provisions of 5 U.S.C. 5383(C) prohibit an agency from adjusting an individual's rate of basic pay more than once in a 12-month period.) The recommendation shall be based on the member's overall performance over the three preceding years in relation to the standard for recertification, including consideration of the factors identified in paragraph (1), below.

(1) The factors identified below should be used as a measure of whether the standard for recertification identified in paragraph 11.4 has been met in relation to written performance requirements for the member's position. Whenever possible, the supervising official's recommendation should be made on the basis of his/her consideration of all of these factors.

(a) The covered member's performance ratings for the three preceding years. Covered members do not necessarily have to have received annual performance ratings above Fully Successful to be recertified, nor do Fully Successful ratings guarantee recertification.

(b) Any award or other recognition received by the covered member. These include, but are not limited to, Presidential rank awards and other awards recognizing performance over a period of years that are received during the recertification period even though some of the achievements recognized may have occurred before the recertification period. They may also include an award received after the recertification period but before the recertification determination if the award recognizes performance that took place during the recertification period.

(c) Any developmental activities of the member. These include professional, educational, or self-developmental activities. Supervising officials should consider funding availability and the stage of the member's career, that is, long term executive versus newly appointed executive, when evaluating the extent to which a covered member participates in developmental activities.

(2) The supervisor of record will make the recertification recommendation for members who have recently transferred from another agency prior to recertification in that agency, or who are on extended assignment or absent from their positions at the time of recertification. All relevant information on the member's performance during the recertification period, including performance ratings, will be obtained from all appropriate sources, e.g., the member as well as former supervisors. This information will form the basis for the supervisor's recommendation.

(3) There is no specific length of time that an official must serve as a member's supervisor before making a recertification recommendation

(4) Prior to making a recommendation, supervising officials must provide members an opportunity to submit a written statement of accomplishments in relation to the standard for recertification.

(5) No narrative justification is required when the supervising official recommends recertification. A recommendation proposing conditional recertification or no recertification shall include a narrative justification. The justification should be sufficiently specific with regard to those unmet aspects of the standard for recertification to ensure that the member will understand the reasons for the recommendation, as well as to serve as support in the event of a third-party review. Supervising officials should contact their servicing personnel office to receive necessary technical advice and assistance prior to preparing such a justification.

(6) The member shall be given a signed copy of the recommendation provided on Form DI-1970. He/she shall be requested to acknowledge receipt of the recommendation on the form and be advised of the right to submit to the Performance Review Board (PRB) a statement of accomplishments and other documentation giving evidence of the quality of his/her performance in relation to the standard set forth. The member may amend any of his/her previously submitted documentation.

(7) Form DI-1970 and any appropriate written documentation (i.e., the member's statement of accomplishments if provided to the supervising official and/or a narrative justification for a recommendation other than to recertify) shall be forwarded for PRB review, along with annual performance appraisal documents.

B. Recommendation by the Performance Review Board.

(1) Performance Review Boards established for purposes of performance appraisal review in 370 DM 920,5.2B will review recertification recommendations and forward recommendations to the Executive Resources Board (ERB).

(2) More than one-half of the members of the Board must be SES career appointees. These career appointees must be eligible for recertification during the current period; this requirement may be waived by the ERB if extenuating circumstances warrant. Board members may not take part in any deliberations or actions regarding recommendations on their superiors, their subordinates or themselves. Recertification recommendations for board members will be submitted to the Departmental Performance Review Board (DPRB) for review.

(3) After receiving the recommendation of the supervising official and any information provided by the covered member under paragraph 11.5A, the Board shall forward to the Assistant Secretary for submission to the ERB a recommendation, on Form DI-1970, whether the member should be recertified, conditionally recertified, or not recertified for continued employment as a senior executive in the SES.

(4) If the PRB requires additional information in order to make its recommendation, it may request additional documentation from the supervising official or the member, or request that either party appear before the Board.

(5) If the Board proposes to recommend conditional recertification or no recertification, the member shall be notified in writing. The notification shall include:

(a) the Board's rationale for its proposed recommendation. If the PRB chooses to use the same rationale as provided by the supervising official, it need only indicate its concurrence on the supervising official's justification;

(b) an invitation to appear before the Board prior to the forwarding of the recommendation to the Assistant Secretary. The member shall be given at least 10 days notice of the appearance. If the member requests, he/she shall be given a reasonable amount of official time to prepare for his/her appearance.

(6) If the Board recommends recertification, it may also recommend that the member's rate of basic pay be increased to a higher ES pay rate. If the Board recommends conditional recertification, it may also recommend that the member's rate of basic pay be reduced to the next lower ES pay rate. These recommendations must be documented on Form DI-1970.

(7) In addition to its recommendation, the Board shall provide the Assistant Secretary with the recommendation from the supervising official and any information received from the member.

C. Assistant Secretary Review and Comment. Prior to forwarding recommendations to the ERB for final determination, the Assistant Secretary may review PRB recommendations and include any comments he/she feels are pertinent to the recertification decision. The Assistant Secretary may not change a PRB recommendation.

D. Determination by the Executive Resources Board.

(1) The ERB shall make a final decision, with the participation and concurrence of the Secretary, whether to recertify, conditionally recertify, or not recertify. Determinations will not be based on a prescribed distribution of how many or what percentage of members will be recertified, conditionally recertified, or not recertified. The ERB may use narrative justifications provided previously as the basis for the decision. In addition, as part of responsibilities under 370 DM 920,1.4B(4), it shall take final action on pay rate change recommendations.

(2) Prior to making a decision to conditionally recertify or not recertify, the ERB must provide an opportunity to the member to make a presentation in writing and/or in person. Notification and official time provisions are the same as those provided in paragraph 11.5B(5).

(3) Written reasons must be provided for any decision to conditionally recertify or not recertify a covered member. The reasons must be specific enough so that the member will be able to understand why the decision was made and sufficiently substantive to support a third-party review.

E. Decision to Recertify. If the ERB determines that the member's performance warrants recertification, the ERB will document the recertification determination accordingly, on Form DI-1970, along with the appropriate annotation if a pay rate increase is made. If the ERB determines that the member's performance warrants recertification, the member shall continue in the SES. Further, the member's rate of basic pay may not be reduced at the time of recertification.

F. Decision to Conditionally Recertify.

(1) A decision that a member's performance warrants conditional recertification may not be appealed to the Merit Systems Protection Board or grieved through the Department of the Interior's grievance procedure; however, any decision to reduce the member's pay in conjunction with 11.5F(2)(a) below would be subject to Departmental grievance procedures.

(2) If the ERB determines that the member's performance warrants conditional recertification, the ERB:

(a) May reduce the member's pay to the next lower ES pay rate, once 12 months have elapsed since the member's last pay adjustment (any such reduction in pay will be subject to Departmental grievance procedures (5 CFR 771)); and

(b) Shall notify the member in writing. Notification shall include the completed Form DI-1970 and all supporting documentation.

(3) During the 12-month period following conditional recertification, the member shall:

(a) remain a career appointee in the SES; and

(b) be subject to continuing close review of his/her performance by the supervising official in coordination with the Executive Resources Board (ERB). A performance improvement plan shall be developed by the supervising official, subject to the approval of the ERB, and provided to the member within 30 days of his/her notification of conditional recertification. The performance improvement plan should include a description of the deficiencies in the member's performance, what constitutes satisfactory completion of the plan, a statement of the support and assistance to be provided by the supervising official, and any planned training. It shall conform with performance standards established for the annual appraisal period. Periodic progress review discussions shall be held and documented at 90-day intervals. This documentation shall include acknowledgement by the member that the review has occurred. A copy shall be provided to the member.

(4) There is no provision for an extension of the 12-month period or for a second consecutive conditional recertification.

(5) At the end of the 12-month period following conditional recertification, a final recertification decision must be made. The process for this decision is the same as for the initial decision: the supervising executive makes a recommendation to the ERB through the Performance Review Board.

(a) If the member is recertified, he/she shall be retained in the SES. Any reduction in ES pay level made under paragraph 11.5F(2)(a) shall be restored as of the beginning of the first pay period following recertification when 12 months have elapsed since the pay reduction.

(b) If the member is not recertified, he/she shall be removed following the end of the 12-month period after conditional recertification, using procedures described in paragraph G, below.

G. Decision Not to Recertify.

(1) If the ERB determines that the member's performance does not warrant recertification or conditional recertification, the member shall be removed from the SES in accordance with applicable law and regulation.

(2) The member shall be notified in writing at least 45 calendar days before the effective date of the removal from the SES.

(3) The notice shall include the completed Form DI-1970 and advise the member of:

(a) The basis for the removal action;

(b) The member's placement rights provided under 5 CFR 359.701-705. These rights include guaranteed fallback to a position at no lower than GS/GM-15 with saved pay. The position to which the member will be assigned shall be identified either in the advance notice or in a supplementary notice issued no later than 10 calendar days before the effective date of the action;

(c) The member's right to appeal to the Merit Systems Protection Board, including the time limit for appeal, the office to which an appeal should be sent, and that there is no provision for a stay in the removal action pending the appeal process;

(d) The effective date of the removal from the SES; and

(e) When applicable, the member's eligibility for immediate discontinued service retirement, in lieu of placement rights, with no annuity reduction based on age (CSRS) and eligibility for an annuity supplement regardless of age (FERS).

(4) Removal from the SES as a result of not being recertified may not be made effective within 120 days after:

(a) The appointment of a new Secretary; or

(b) The appointment within the Department of the career member's most immediate supervisor who is a noncareer appointee and has the authority to remove the member.

11.6 Recertification Plan Consultation, Approval, and Distribution.

A. In accordance with regulations, this Department developed the recertification procedures described in this plan in consultation with its SES career appointees.

B. This plan was effective May 1, 1991, the date of Office of Personnel Management approval.

C. Copies of the approved plan, and any subsequent changes, will be provided to all covered members.

11.7 Training. Before the beginning of each recertification determination process, PRB members and executives who supervise covered SES members will be given training on the objectives and procedures of the recertification process.

11.8 Records. Recertification documentation shall be maintained in the member's Employee Performance Folder (EPF) for five years from the date of the recertification determination. (If a member is conditionally recertified, documentation for the final recertification determination shall be maintained for five years from the date of the conditional recertification.) EPF's shall be maintained in accordance with provisions in the SES Performance Appraisal Plan. Information contained in the EPF is protected under the provisions of the Privacy Act.

11.9 Reports and Evaluation. The Department will report to the Office of Personnel Management (OPM) such information, and take such corrective action, as OPM may direct as a result of its oversight and evaluation responsibilities.

Department of the Interior

Senior Executive Service Recertification Determination

Recertification period from _____ to _____

Executive Name

Bureau

Position Title

Current Pay Rate

Standard for Recertification

The career appointee must perform at the level of excellence expected of a senior executive. Excellence is a term from the statute. It is not a synonym for an "Excellent" rating, nor is it the same level of achievement as for Presidential rank awards. Excellence means that the member has demonstrated over the recertification period that he or she has achieved excellence in:

- a. Planning for, substantially advancing, and attaining Presidential, agency, or organizational goals and objectives that required a sustained superior effort.
 - b. Taking specific initiatives that advanced a major policy and/or significantly improved delivery of services.
 - c. Taking the necessary actions to ensure the achievement of a quality product in a timely manner.
 - d. Making significant technical, scientific, or professional contributions.
2. If applicable to the responsibilities of the senior executive, excellence is also demonstrated by:
- a. Achieving substantial savings in the execution of programs under his or her direction.
 - b. Maintaining the high quality and effectiveness of programs under his or her direction with reduced resources.
 - c. Providing strong leadership to enhance the development, utilization, and achievement of subordinate personnel, including achievement of equal employment opportunity goals.

The following decision and recommendations are based on an assessment of the executive's overall performance during the recertification period in relation to the above standard for recertification stipulated in law, regulation, and Departmental written procedures and include consideration of the executive's performance ratings, awards, and developmental activities.

Supervising Official's Recommendation:

Recertify _____ Conditionally recertify _____ Not recertify _____

Recommend pay adjustment to ES- _____ No pay rate adjustment recommended _____

Supervising Official's Signature and Title _____ Date _____

Executive's Acknowledgement of Supervising Official's Recommendation:

_____ I have received a copy of my supervising official's recommendation and wish to submit a statement of accomplishments to the Performance Review Board.

_____ I have received a copy of my supervising official's recommendation and do not wish to submit a statement of accomplishments to the Performance Review Board.

Executive's Signature _____ Date _____

Performance Review Board (PRB) Recommendation:

Recertify _____ Conditionally recertify _____ Not recertify _____

Recommend pay adjustment to ES- _____ No pay rate adjustment recommended _____

Appearance before the PRB: _____ Date _____ Declined Appearance _____

PRB Chairperson's Signature _____ Date _____

Executive Resources Board Decision :

Recertify _____ Conditionally recertify _____ Not recertify _____

Recommend pay adjustment to ES- _____ No pay rate adjustment recommended _____

Appearance before the ERB: _____ Date _____ Declined Appearance _____

Secretary's Signature _____ Date _____
